THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.12285 OF 1997

Date: 11th July 2006

Between:
K.G.R.V.N.Chowdary,
Son of Ramadas, aged 61 years,
Pedakadimi (V), Pedavegi (M),
West Godavari District.

… Petitioner.

And

1. Deputy Registrar of Cooperative Societies,
   Eluru, W.G. District and 2 others.

… Respondents.

* * *

ORDER:

This writ petition is directed against the order made in Rc.No.2300/95-B dated 30.4.1997 by the first respondent i.e., Deputy Registrar of Cooperative Societies, Eluru, West Godavari District, under Section 60(1) of the Andhra Pradesh Cooperative Societies Act (for short 'the Act').

2. According to the petitioner he is the elected president of Koppaka Primary Agriculture Cooperative Society Ltd., Pedakadimi village, Pedavegi Mandal, West Godavari District. The Joint Registrar/District Cooperative Officer ordered an enquiry under Section 51 of the Act, just within two months from the date of assumption of office by the petitioner alleging that there are some serious irregularities in working of the society resulting in

misappropriation/misutilisation of funds during the tenure of the committee headed by him. Pursuant to the enquiry under Section 51 of the Act, the second respondent submitted a report on 10.5.1996. Thereafter, the first respondent issued notice dated 19.6.1996 under Section 60(1) of the Act while stating that the enquiry report submitted by the second respondent *inter alia* revealed misappropriation of funds of the society as detailed therein and directed the petitioner to file an explanation for the same. Aggrieved by the said notice, the petitioner filed Writ petition No.23431 of 1996 before this court raising several legal points.

3. Be that as it may, the first respondent under Section 60(1) of the Act passed the impugned order dated 30.4.1997, which according to the petitioner is arbitrary and illegal. Learned Government Pleader states that there is an effective and alternative remedy by way of filing an appeal under Section 76 of the Act before the Cooperative Tribunal, and without availing the same, the present writ petition is filed.

4. I am of the considered opinion that unless and until the facts are appreciated and gone into in detail, the issues cannot be resolved effectively. To resolve the issues it requires a detailed inquiry and verification of records.

5. Under those circumstances, the writ petition is disposed of directing the petitioner to file a statutory appeal within a period of three weeks from the date of receipt of a copy of this order and on filing such an appeal the Tribunal shall entertain the same without taking any objection as to limitation. Further, the interim order granted on 17.6.1997 staying operation of the impugned proceedings shall continue during the pendency of the appeal. No costs.

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C.V.RAMULU, J.

Date: 11th July 2006.
BSB